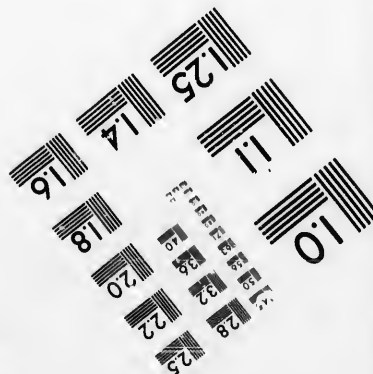
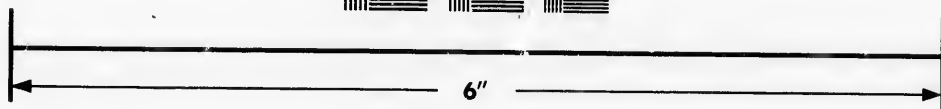
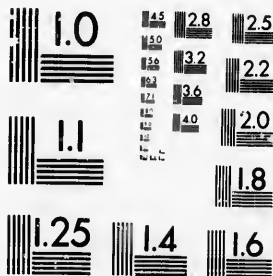


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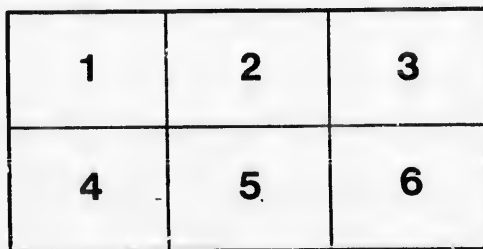
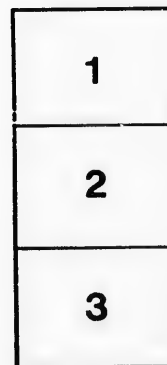
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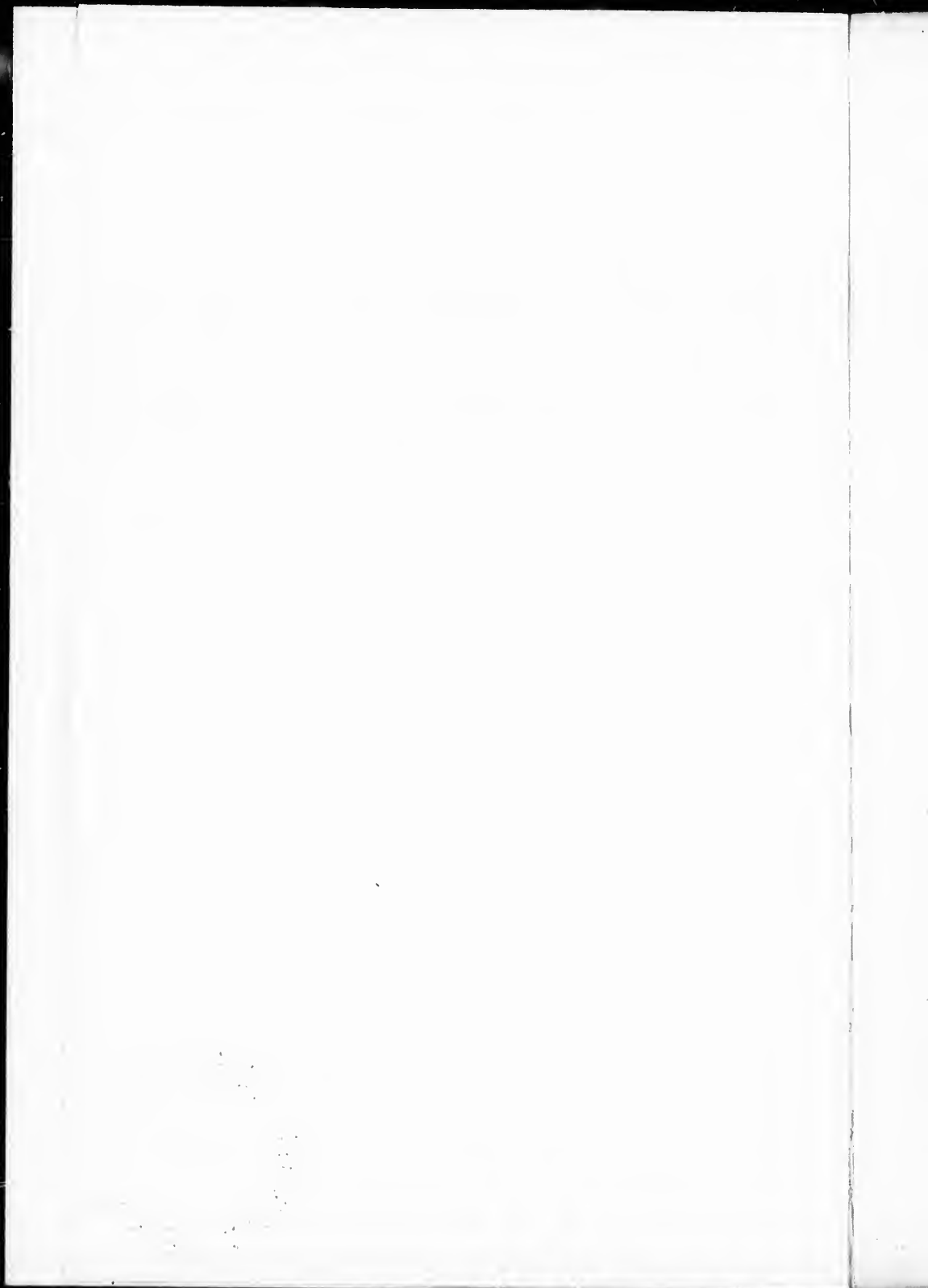
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MR. PICKERING'S SPEECH

IN THE

SENATE OF THE UNITED STATES,

ON THE

*RESOLUTION OFFERED BY MR. HILLHOUSE*

TO

REPEAL THE SEVERAL ACTS LAYING AN EMBARGO,

NOVEMBER 30, 1808.

---

*MR. PRESIDENT,*

THE ample discussion already given to the resolution on your table, leaves me nothing to detail on the *effects*, produced by the embargo, in regard to France, to England, or ourselves. On the two great belligerents, *practical* men, who knew the characters and resources of those nations, foresaw and pronounced, *that it would make no impression*. This we all now know to be the fact: while we ourselves severely feel its pressure. Why, then, not remove it? Because, as we are told, those two nations have violated our neutral maritime rights; and seeing, that to compel their respect for these, we imposed the embargo, and they treat the measure with contempt; to remove it would be submission. So we will endeavour to conceal our mortification; and because we cannot injure *them*, we will continue to punish *ourselves*. To renew our commerce, while their decrees and orders remain uncancelled, would, we are told, be "abject and degrading submission;" and that we have but this alternative, "to make war with both nations," or "continue and enforce the present suspension of commerce."

It has been justly remarked, by the gentleman from Connecticut, [Mr. Hillhouse] that to run away, and abandon our rights, is abject and degrading.

To make war on both the belligerents, is the most strange, quixotic idea that ever entered into the head of a statesman. I

suppose, as we have a thousand and a thousand times declared, that we have maintained an impartial neutrality towards those nations, so, to verify our declarations. we must now make war upon both, *impartially!* And as their injuries are said to be equal, or, we will not inquire which has done us "the most harm:" so we must measure out to each an equal quantity of resentment, and give to each an equal number of blows!

In respect to our violated rights, so far as Great Britain is concerned, those presented by the administration in the front of our claims, are

I. An exemption from impressment of all seamen on board our merchant vessels.

II. A free trade with the colonies of her enemies.

III. An exemption from capture of our vessels destined for any port of her enemies not actually blockaded.

I am aware, sir, of the consequences of advancing any thing from which conclusions may be drawn adverse to the opinions of our own administration, which by many are conceived to be indisputably just. Merely to state these questions, and to mention such arguments as the British government may perhaps have urged in their support, on her side, is sufficient to subject a man to the popular charge of being under British influence, or to the vulgar slander of being a "British tory:" he will be fortunate to escape the accusation of touching British gold. But, sir, none of these things move me. The patrons of the miscreants who utter these slanders know better: but are nevertheless willing to benefit by the impression they may make on the minds of the people. From an early period of my life, I was zealously engaged in every measure opposed to the attempts of Great Britain to encroach upon our rights, until the commencement of our revolutionary war; and during its whole continuance, I was uninterruptedly employed in important civil or military departments; contributing all my efforts to bring that war to a successful termination.

I, sir, am not the advocate of wrong doers, to whatever country they belong; whether emperors or kings, or the administrators of a republic. JUSTICE is my object, and TRUTH my guide; and wherever SHE points the way, I shall not fear to go.

Great Britain has done us many wrongs. When we were colonies, she attempted to deprive us of some of our dearest birth-rights; rights derived from our English ancestors; rights which we defended and finally established by the successful conclusion of the revolutionary war. But these wrongs, and all the wounds of war, were intended to be obliterated and healed by the treaty of peace, when all enmities should have ceased.

Great Britain wronged us in the capture and condemnation of our vessels under her orders of 1793: and she has made reparation for these wrongs; pursuant to a treaty negotiated on *practical* principles, by a statesman who, with *liberal views* and *real candour*, sought adjustment and reparation.

At subsequent periods she has committed other wrongs: and if reparation had been demanded in the same spirit of candour and firmness which were manifested in 1794, that distinguished precedent authorizes the opinion, that a like equitable adjustment and reparation might have been obtained. But after a four years negotiation, in which volumes of essays and letters have been written, it has, like the seven years negotiation with Spain, been brought (in the language of the president) "to an issue of some sort:" that is, every subject of dispute remains as far, probably farther from adjustment, than when the negotiations were begun.

It is this disastrous issue which now enters into our deliberations. According to the statements of the administration, we are brought into a situation from which we cannot advance without war, nor retreat without dishonor. Their negotiations with France have also terminated in mortification and defeat.

On the two questions of the impressment of seamen on board our merchant vessels, and a trade with the enemies of Great Britain prohibited in time of peace, the gentleman from Maryland, [Mr. Smith] was pleased to read some parts of a letter written by me last winter to the governor of Massachusetts, to be laid before the legislature: and on the latter (neutral trade) he also read the journal of the senate, which exhibited a unanimous vote declaratory of our right to that trade; and then the names of the senators (mine being one) who voted to request the president to demand and insist on reparation for the injuries done us in violation of that right; *and for this purpose to enter into amicable arrangements with the British government.*

On these two questions, I should add nothing to the observations made yesterday by the gentleman from Connecticut, but for the apparent intention of the gentleman from Maryland, to exhibit an inconsistency between my votes in the senate and the observations of my letter on the same subject.

It is sufficient for me to remark, that in the passages recited by the gentleman from my letter, my object was to shew, by exhibiting in a few words, to the view of my immediate constituents, and through them to the people of Massachusetts, some of the reasons which might have influenced Great Britain not to relinquish her ancient usage of impressing *her own seamen*; nor to consent that neutral vessels should carry on (as we and other neutrals were carrying on) the whole trade between the countries of her enemies in Europe and their colonies; to show, I say, that as much was to be said on both sides, those rights, as claimed by the United States, were not to be considered so clear and indisputable *as to justify a war with Great Britain*; into which the proceedings of the executive, in a variety of ways, seemed calculated to plunge us.

Before I quit this subject, I will make one more observation. It appears to be generally supposed that the rule respecting the colonial trade adopted by Great Britain, and usually called the rule of



1756, which it seems she has considered as "the ancient and established principle of maritime law,"\* was peculiar to Great Britain : and Mr. Madison says, "it is well known that Great Britain is the only nation that has acted upon, or otherwise given a sanction to it."† He also mentions this rule as having been introduced, for the first time, in the war of 1756 ; as having been in operation only a few years in that war ; and not afterwards acted upon until 1793. ‡ Let us examine the subject.

In Valin's celebrated work on maritime law (a book in the secretary of state's office) is a regulation of Louis the fourteenth, in 1704, from which I will recite some passages.

The title of the regulation is remarkable : it is "concerning prizes made at sea, to secure the navigation of neutral states and allies during war ;" implying that this regulation was intended to abate the rigor of maritime law before that time practised towards neutral commerce.

After observing that propositions had been made to him by the deputies of the council of commerce, the French king expresses his approbation of them, "seeing he finds in them the means which he has always sought of procuring equally the advantages of the subjects of neutral princes and French cruizers." He adds, "The subjects of neutral princes will thus find the care which his majesty has taken to preserve for them *the same extent and the same liberty of commerce which they have been accustomed to enjoy during peace.*"

I will now read such of the articles of this French regulation as relate to the question under examination.

"*Article 1.* His majesty forbids French privateers to stop or bring into the ports of his kingdom, vessels belonging to subjects of neutral princes, going from the ports of their dominion, and laden on account of the owners or other subjects of the said neutral princes, with merchandise of the growth or manufacture of their own country, to carry the same *directly* into any other states whatsoever, even those with which his majesty is at war ; provided nevertheless, that there be not in the said vessels any contraband goods.

"*Article 2.* They are in like manner forbidden to stop vessels belonging to subjects of neutral princes, going from the ports of any state whatsoever, even of those with which his majesty is at war, and laden on account of the owners or other subjects of the said neutral princes, with merchandise which they shall have received in the same country or state whence they shall have departed, to return *directly* into the ports of the dominion of their sovereign.

"*Article 3.* He also forbids them to stop vessels belonging to the subjects of neutral princes, departing from the ports of one of the

\* Mr. Madison's letter of March 25, 1808, to Mr. Erskine.

† Same letter.

‡ Idem.

states neutral or allied to his majesty, to go into another state alike neutral or allied to his majesty; provided they are not laden with merchandise of the growth or manufacture of his enemies; in which case the merchandise shall be good prize, and the vessels shall be released.

"Article 4. In like manner his majesty forbids privateers to stop vessels belonging to subjects of neutral princes departing from a state allied to his majesty or neutral, to go to a state the enemy of his majesty; provided there be not on board said vessel any merchandise contraband, nor of the growth or manufacture of the enemies of his majesty; in which cases the merchandise shall be good prize, and the vessels shall be released.

"Article 6. Vessels belonging to subjects of neutral states which shall depart from the ports of a state the enemy of his majesty, and there have taken their lading, in whole or in part, to go to the states of any other prince than their own, whether allied to his majesty, neutral or enemy, may be stopped and brought into his kingdom, and shall be declared good prize with their lading, even although laden on account of the subjects of his majesty, or of an allied or neutral state."

This regulation of Louis XIV. in 1704 (he being then at war with England and Holland) was re-enacted by Louis XV. in 1744, (France being again at war with England) with some exceptions in regard to those neutral nations with whom France had formed treaty-stipulations incompatible with that regulation.

In these five articles we have, if I mistake not, the whole doctrine of the British rule of 1756. The *direct* trade to and from neutral ports and the enemy's ports, being permitted; but not the trade to and from the ports of one allied or neutral state, to and from the ports of another allied or neutral state; *if the lading of the neutral vessels consist of merchandise the productions of the enemy's country*; much less to carry the same from one port of the enemy, to another port of the enemy.

The PRINCIPLE of the British rule and of the French regulation appears to be, to prevent *neutrals* coming in to aid the enemy in the commerce of one part of his dominions with any other part thereof, or in procuring a market for the enemy's productions, in any other country than that of the neutral actually transporting the same, and for its own use and consumption.

It appears moreover, by the preamble to the French regulation, that the restrictions on neutral commerce, which we are now examining, instead of commencing in 1756, were in exercise by the English and Dutch, antecedent to that regulation, and with greater rigor; the French king professing to *ameliorate* the condition of neutral commerce, by that regulation.\*

\* But Great Britain has admitted that the vessels of the United States might carry on an *indirect* trade from the European dominions of her enemies to their colonies, and from those colonies to their parent countries in Europe; and in both

On the subject of blockade, when vessels of war were not so stationed before the port declared to be blockaded, as to constitute what is called an *actual blockade*, undoubtedly abuses have taken place.

To form an actual blockade of a port, ships destined for that object must be "sufficiently near to produce an evident danger in entering." But these words by no means imply a *certainly of capture*, by the blockading ships, of the vessel so attempting to enter. What degree of risk from blockading ships will amount to a lawful blockade, may sometimes be a disputable question. Would the chance of capturing three vessels out of four, or seven out of eight, exhibit such an "evident danger in entering," as would constitute an actual blockade? that is, when to insure their entering in safety would be worth a premium of from 75 to 90 per cent. This must remain a question of some difficulty to adjust.

On these points, sir, and all others in dispute with Great Britain, my opinion remains unchanged, that they are yet proper subjects of negotiation, to be undertaken in the *real spirit of conciliation and adjustment*. That the *embargo* will not induce her to yield to our demands, we have ample proof, not only in the answer of the British government to our minister in London, but in the certain ability of that nation and her colonies to supply all their own wants. That she possesses the means, I think, has been demonstrated by gentlemen who have spoken before me. We have heard much of the patriotism and patient endurance of our fellow citizens, under the distresses of the embargo; and gentlemen

cases, the trade has been considered *indirect* when carried on through the United States: that is, when the cargoes laden on board American vessels, in the ports of the enemies of Great Britain, have been first imported into the United States, and carried thence in the same or other American vessels, to the enemy countries, or colonies respectively. But the facts which should constitute an *indirect* trade, not having been definitively declared; on the contrary, as they have been several times varied, either by the orders of the British government, or by the decision of her courts of admiralty—much vexation and injury have thence accrued to the commerce of the United States.

But the treaty negotiated by the president's ministers, (Messrs. Monroe and Pinkney) and signed by them, with the British commissioners on the 31st of December 1806, comprehended a definitive provision on this head. Such trade, between the parent countries and colonies of the enemies of Great Britain, was to be considered *indirect*, when the articles of the growth, produce or manufacture of Europe, were first carried to the United States; and on re-exportation, remained after the drawback, subject to a duty of one per cent. on their value. In like manner, all articles of the growth and produce of the enemy's colonies, being first brought to the United States, and there entered and landed, and on re-exportation remaining subject to a duty of two per cent. on their value, might be re-laden, and freely exported to any country in Europe. The duties in both cases, to be paid into the treasury of the United States.

This arrangement was calculated to prevent any further dispute between the United States and Great Britain, about the trade between the countries of her enemies in Europe and their colonies. But the president thought fit to reject this treaty, without laying it before the senate.

speak confidently, that this patience will hold out till Great Britain shall be brought to our feet. At the same time, they calculate on the distresses, which they fondly imagine the embargo will inflict on the people of Great Britain and her colonies, to excite discontents and insurrections sufficiently alarming to induce that government to abandon usages on which she relies to maintain her maritime ascendancy, and, at this time, her independence as a nation. But why should it be supposed that the people of Great Britain will be less patient under sufferings, than the people of the United States? Their's would arise from causes beyond their control; our's from some cause or causes operating on our *rulers*, but which the *people* can neither see nor understand. Within four months after the embargo was imposed, the president himself, by proclamation, announced to us and to the world the existence of one insurrection, occasioned by the embargo; and the provisions made in the supplementary acts, to compel obedience at the point of the bayonet; shew how apprehensive the government were of discontents and resistance. These extraordinary provisions for the execution of a *specific measure* demonstrate, that it was considered as *opposed to the general sense of the people*; and, in a free country, such a measure cannot long be carried into execution. The votes of approbation of the embargo by public bodies, and other assemblies of citizens, so ostentatiously displayed, while they manifest the *force of party*, are, to say the least, but equivocal indications of the general sense of the people, or even of the individuals composing those assemblies. Those votes have always had fewer *hearts* than *voices*.

Mr. President, the gentleman from Maryland mentioned the extreme danger to which our commerce would be exposed, while the French decrees and British orders remain unrepealed. It has been often said, and perhaps oftener insinuated, in newspapers and pamphlets, that if our vessels were permitted to go to sea, *all would be taken*. What escaped the French, would be captured by the English; and what escaped the latter, would fall a prey to the former. There is a want of truth in all this. The same gentleman quoted a statement made by an eminent merchant of Massachusetts, that of eight or ten vessels which sailed about the time the embargo was laid, one only had reached the place of her destination. I remember seeing a statement of that sort; and I think also, that I saw a *detection of its fallacy*. If they had not reached their destined ports, it did not follow that they were captured and condemned.

The same merchant has expressed his decided opinion, "that, notwithstanding the French decrees and British orders in council, if our embargo was off we should have *more trade* than would be enjoyed by us, if all the world were at peace, and the respective nations should monopolize as much of their own commerce as usual." Another eminent merchant expressed, at the same time, the same opinion.

But without resting the question on *opinions*, we may appeal to *facts*. I have sought information of the risks which have attended our foreign trade, within the present year, from the two principal districts of Massachusetts.

By the statement in my hand, lately received, and which is of unquestionable authority, I find, that at one insurance office in Boston, 43 policies have been written, on vessels engaged in foreign voyages, since the first of January, 1808. Of these

5 were undetermined.

1 vessel (the *Neutrality*) bound from Marseilles to Boston, captured and condemned at Gibraltar, for violating the blockade declared by the British orders in council.

37 arrived safely. In all 43.

It is stated, that there were three policies on the *Neutrality*; and that possibly there might be more than one policy on one vessel among the 37 safe arrivals.

At another office in Boston, out of 75 risks, principally to the West Indies,

3 vessels were captured by the French, of which the British recaptured 2.

1 captured by the British, supposed to be French property.

16...about this number are undetermined; and the rest, about 55, have ended safely. In all 75.

At another office in Boston, out of somewhat more than 100 risks,

4 vessels were captured by the British, of which 2 were condemned for breach of orders in council; 1 probably enemy's property, and 1 remained under adjudication.

1 captured and condemned by the French; and

1 seized by them at Alicant, while they had the power there.

25 risks were undetermined; and the remainder ended safely.

The premiums of insurance have been about eleven per cent. to and from the West Indies, for the whole voyage.

7 per cent. from the West Indies, with cargo on board.

9 to 10 per cent. from Europe, if not violating British orders.

4 to 5 per cent. from Europe, against *French* capture only.

By a statement received from Salem, on the correctness of which I can rely, I find that in the district of Salem and Beverly, 22 vessels sailed, by the president's permission, between the 5th of April and the 10th of August. Of these vessels, one sailed to Sumatra, one to Senegal, and the rest to the different ports in the West Indies. Of the whole number,

1 returned leaky, and remained at home.

12 returned in safety; and

9 remained undetermined; but it was not known that any of them had been detained or condemned by any foreign power.

In all 22.

The insurance on the Sumatra voyage, cut and home, was 14 per cent.

Martinico, }  
 Havanna, } The voyage out and home, 9 to 10 per cent.  
 Surinam, }  
 Havanna, at and from,  $5\frac{1}{2}$  per cent.

The premium of insurance from Calcutta to the United States, the last summer and autumn, has been 8 per cent.

Thus, Mr. President, we see that the risk on our foreign trade has been very little increased since the issuing of the French decree of Berlin, and the British orders in council.

The gentleman from Maryland [Mr. Smith] asks—What would have been the insurance on an American vessel bound to France? I am not informed. Perhaps 75 to 90 per cent. though it is not probable that our merchants would hazard their vessels on such a voyage, or that the underwriters would insure them. But what does this prove? Why, that the risk, under the British orders, is so great, in attempting to enter a port in France, as perhaps to amount to an actual blockade.

I now beg leave, sir, to communicate the information I have recently received from the latter of the two merchants before referred to\*. Having requested of him the data on which his opinion before mentioned was founded, he has sent me an answer (dated the 23d instant) from which I will read the material parts.

He says, "respecting the comparative trade of profound peace, and the present moment, if the embargo should be removed, and the decrees and orders of council remain, it is a subject about which it is difficult to go into that detail which will show satisfactorily an exact result: because, if you resort to the exports of a year in time of profound peace, and compare the aggregate with a year in war, the prices being so different, the difference in amount will not give the exact data we want. And to take the quantity of each article of export will not be satisfactory; because in different years we export more of the same article to the same market, and in proportion to the increased quantity raised, or the goodness or badness of the crop. But of the *fact* I have no doubt, that our trade would be much greater and more productive, if the embargo were removed, than it can be in time of peace: because when the colonial trade of the European powers is confined as usual, we cannot carry any kind of provisions to the colonies of any of them, without being subject to a heavy duty, nearly equal to a prohibition. And we are not allowed to bring away any thing but rum and molasses; and of course we lose the whole of the colonial trade, so far as respects importing any articles with a view of exporting them again; excepting only from the Isle of France, and Bourbon, which has generally been free. But we may be shut out there. The trade to the colonies is now free for all exports and imports with small duties. And if the largest and most natural European markets for the sale of colonial produce are occluded, still we have open to us, *all* that the British have, and we can now carry those articles to Sweden, Spain, Portugal, Coast of Bar-

\* Mr. Thorndike.

bary, Turkey, Sicily, Sardinia and Malta; the three last of which are ports at which the articles sell high, and are bought for the purpose of smuggling over to the continent, where they are sent in great quantities.

The following statement is then given, of the amount of our exports from the 30th of September, 1806, to September 30, 1807, (taken from the report of the secretary of the treasury) to countries and places other than those in Europe which are under the government or controul, or in alliance with the French emperor; all which are considered as shut up by the British orders of council.

|  |               |
|--|---------------|
| Domestic exports (or of articles of the growth, }<br>produce or manufacture of the United States), } | \$ 36,109,991 |
| Foreign goods exported, . . . . .  | 24,140,495    |
|  | <hr/>         |
|  | 60,250,486    |

|  |           |
|--|-----------|
| To this may be added Spanish dollars, exported to India and China, and which are not noticed in the report of the secretary of the treasury, and may be estimated at least at, . . . . . | 6,000,000 |
|--|-----------|

|                         |               |
|-------------------------|---------------|
| Whole amount, . . . . . | \$ 66,250,486 |
|-------------------------|---------------|

" This amount may be exported without being subject to the British orders of council: and the extra premiums against *French captures*, would not exceed the following rates, viz.

To Sweden, 2 per cent.—Swedish and other West Indies, and the Spanish Main, 5 do.—Cape of Good Hope, 4 do.—England, Scotland, without the Channel, say Liverpool, Greenock, Ireland, &c. &c. 4 do.—And within the Channel, 6 do.—Guernsey, Jersey, &c. 5 do.—Gibraltar, 3 do.—Spanish ports in the Bay of Biscay, 6 do.—Spanish ports on the Atlantic, 3 do.—Spanish ports on the Mediterranean, 5 do.—Madeira, the Canaries, Fayal, and other Azores, 3 do.—Portugal, 3 do.—Cape de Verd, 3 do.—Sicily, 5 do.—Malta, 6 do.—China, 4 do.—Sumatra, 3 do.—Spanish and Portuguese America, 3 do.—Calcutta, and the Coast of Coromandel and Malabar, 5 do.—Africa, 4 do.—Arabia, and Red Sea, including Mocha, and Muscat, 4 do.—Manilla, 4 do.—North West Coast of America, 2 do.—Halifax and Newfoundland, 1 do.

" In time of profound peace, our trade might be fairly estimated thus:—

|  | <i>Domestic exports.</i> | <i>Foreign exports</i> |
|--|--------------------------|------------------------|
|  | 48,699,592               | Nothing.               |
| To which may be added specie to China and India, } | 6,000,000                | In time of peace these |
|  | <hr/>                    | must be so very in-    |
|  | \$ 54,699,592            | considerable as to be  |
|  | <hr/>                    | unimportant in this    |
|  |                          | statement.             |

This is supposing the same domestic articles as were exported in 1806, and allowing them to be at the same prices: so that the comparison stands thus:

Our exports, if the embargo were removed,  
would be

\$ 66,250,486

Free from any embarrassment from the British  
orders in council.

If peace were to take place, and the Euro-  
pean nations assume their trade as usual ;  
and the prices of our domestic articles remain  
as the average prices in 1806, (which they  
would not) we should export,

54,699,592

Leaving \$ 11,550,894

less export trade in time of peace than we might now enjoy ;  
and which amount is to be twice water-borne, once in importing it  
from the places of growth, and again in carrying it to the con-  
sumers : and of course would employ shipping appertaining to the  
carriage of one freight, equal in amount to more than twenty-three  
millions, one hundred thousand dollars.

“ As an evidence of the correctness of this statement, it will be  
seen, by a recurrence to the statement of the secretary of the trea-  
sury for the year 1803, that the exports had fallen, in that short  
peace, from \$ 93,020,513, to \$ 55,800,033.

“ It is to be observed, that we might now enjoy a trade to South  
America and the Spanish Main, which might be estimated, at least,  
at from four to five millions of dollars, a considerable part of which  
would be again exported to Spain and Portugal, and which has  
never made any part of the secretary's report ; because the trade  
to those countries has been prohibited until lately. It may also be  
remembered, that the export trade does not show the whole ad-  
vantage of the colonial trade which we might now enjoy ; because  
all we import for our own consumption ought to be added.”

[Here Mr. Lloyd stated, that in his opinion the value of the trade  
which might now be prosecuted from the United States, consider-  
ing the present circumstances of the great nations of Europe, would  
be as extensive as could be carried on after a general peace, and the  
adoption, by the European powers, of their restrictive colonial sys-  
tems.]

On this clear and interesting view of the commerce which the  
United States might carry on, were the embargo out of the way,  
no comments are necessary. The observations of the writer of the  
letter are evidences of his being master of the subject.

Mr. President, the gentleman from Virginia, [Mr. Giles] has  
been pleased to attribute the discontents, in New England, especi-  
ally in Massachusetts, relative to the embargo, solely to the arts  
of *demagogues*, who wish to get into office.

The gentleman from Connecticut noticed this reproach : but as it  
appeared to be levelled chiefly at leading citizens in Massachusetts,  
I feel it to be my duty further to remark, that of all the citizens  
of the United States, none stand more aloof from, none more  
detest the character of *demagogues*, than those to whom the gen-



tleman referred. I know those men who reprobate the embargo, and who, in conversation, and in newspapers, express their sentiments about it, or patronize those who do. *They* are not seeking for offices; many of them could not be persuaded to accept the best office in a president's gift; but to save their country from the effects of measures, in their view, alike ruinous and disgraceful. They are men, sir, whose age, whose experience, whose knowledge, whose wisdom, whose virtue, place them in the first rank of citizens. They are men, sir, ten of whom, had they been in Sodom, would have saved that city from destruction. Among them was the immortal AMES, than whom a purer spirit never left the earth. He wrote while he had strength to hold a pen. He died on the anniversary morning of the nation's birth-day—and this was among his last prayers: O! Save my country!

Gentlemen have said much about insurrection and rebellion; and, in language not very conciliatory, pointed all their allusions to the people of New England. Other rulers pronounced them rebels, more than thirty years ago: while many then unborn now wish to cover themselves with their mantle, and to share the honors of the patriots of seventeen hundred and seventy-six.

But why should gentlemen be surprised that great *discontents* prevail in that country; and that the legislatures, with a deliberation and solemnity which should command attention, have pronounced their opinions of the embargo? Gentlemen will recollect that *there* the revolution began, of which Boston was the cradle. And if they will turn to the declaration of independence, they will find one of the reasons for the colonies' separating themselves from Great Britain, and renouncing the government of the king, was their enacting laws "FOR CUTTING OFF OUR TRADE WITH ALL PARTS OF THE WORLD."

Mr. President, in a public document on our tables, we are told, that "after a period of twenty five years of peace, hardly interrupted by transient hostilities, and of prosperity unparalleled in the history of nations, the United States are for the first time, since the treaty which terminated the revolutionary war, placed in a situation equally difficult, critical and dangerous."

That our country has enjoyed such unexampled prosperity, I readily agree: but the *present* is not the *first time* that these states have been placed in a *difficult, critical, and dangerous* situation.

The gentleman from Connecticut yesterday noticed the most difficult crises. In 1793, it required all the firmness and immense popularity of president Washington, to stem the torrent of popular delusion, that was hurrying the United States into the vortex of the French revolution.

In 1794, the same steadiness, the same undeviating pursuit of the public welfare, in spite of popular clamor and formal opposition, were necessary to institute a mission to Great Britain, to negotiate and settle with that government questions of the highest moment to these states, and which, if they remained much longer unsettled, might endanger the peace of the nation. That negotiation, committed

to the conduct of a statesman, than whom our country has produced not one more firm, more wise, or more upright, was, by his candor, ability and decision, brought to a happy conclusion, in fewer *months* than some more modern negotiations have occupied *years*, without being brought to any conclusion; unless their utter *failure* may be called a *conclusion*.

In 1795, the United States were agitated to their centre, by the opposition to the British treaty. Artful and aspiring demagogues seized upon the known prejudices of the people in regard to the two great contending nations; and exerting all their faculties to keep up the popular delusion, hoped that, by the loud and extended clamor, the president would be deterred from ratifying the treaty which Mr. Jay had so happily concluded. Here again were displayed the firmness and patriotism of Washington. Always determined to pursue the true interests of the people, although at the hazard of his popularity, he ratified the treaty. Here, it was presumed, all opposition would cease. But it again appeared, and with a more formidable aspect, in the national legislature. But I will not dwell upon it. The treaty was finally carried into execution. It had, however, one more enemy to encounter.

Revolutionary France, wishing to involve us in a war with Great Britain, which this treaty (merely of amity and commerce) had prevented, *pretended* that it was equivalent to a treaty of *alliance* with Great Britain. And seizing on this pretence, at once to vent her resentment, and gratify the rapacity of her rulers with the plunder of our citizens, she let loose her cruizers upon our commerce.

We urged the obligations of treaties, violated by these captures. She answered, *that she found only a real disadvantage in those obligations!* and continued her depredations. Repeated missions of respectable ministers to Paris endeavored to propitiate her rulers, and prevail on them to put a stop to such enormities. But they were deaf to the voice of justice. Then it was that our government authorized an armed commerce, and equipped a small but gallant navy for its further protection; and made other defensive preparations, such as have been stated by the gentleman from Connecticut.

If, sir, our country is now placed in a situation more "difficult, critical and dangerous," than at any of the periods to which I have adverted (though I am very far from adopting that opinion,) where shall we look for the cause? If in 1794, when England had powerful associates in her war with France, and the latter had been comparatively, but little extended beyond her natural limits; the United States, with perhaps two-thirds of her present population, and less than half her present revenue, were able to induce England to accede to their just demands, and to close all differences by an advantageous treaty; how has it happened that the present administration, with all the accession of power from an increased population, and a more than doubled revenue; when, too, gigantic France wielded the force and the resources of continental Europe; and England, single-handed, was left to meet a world in arms; how

has it happened, that with these superior advantages and more powerful means, all the negotiations of the present administration with England (one excepted of local rather than general application, and which I need not explain) have failed? Had they been conducted with equal candour, ability and dignity, must they not have produced as early, and at least as advantageous results? Was this a cause of their failure, *that points of questionable right*, because not settled by the universally acknowledged law of nations, and therefore of doubtful, or hopeless attainment, were pertinaciously insisted on?

Mr. President—To find a remedy for evils, as well in the body politic as in the natural body, it is necessary to investigate their causes.

Nearly eight years have elapsed since we were told, by the highest authority in the nation, that under the auspices of the federal government, the United States were then “in the full tide of successful experiment.” And the report on our tables, to which I have before alluded, declares, in grave and solemn language, that during a period of five-and-twenty years, which brings us down to the embargo, the United States have enjoyed a “prosperity unexampled in the history of nations.” Yet during the whole of this period of unequalled prosperity, *arising from the active pursuits of commerce and agriculture, each giving life and vigor to the other*, that commerce has been exposed to the aggressions of the belligerent nations. For those of Great Britain, up to near the close of 1794, compensation was made, pursuant to the provisions of Mr. Jay’s treaty. For the like aggressions by Spain, the like indemnity was given by virtue of the treaty with that power, concluded in October 1795. For French spoliations during the whole period of her revolutionary war (spoliations which have been estimated at not less than millions of dollars) we have received *nothing!* Nor have we obtained any reimbursement from Spain for the spoliations committed by her cruizers, *after she became the ally of France.*

Captures and condemnations, however, more or less extended, have never ceased: notwithstanding all which, and the continued impressment of seamen from our merchant vessels, the same unexampled prosperity has attended us; until suddenly, and to the astonishment of the nation, this flowing tide of successful commerce and agriculture, was stopped by that fatal measure, the embargo. The shock was aggravated by the concealment of its real cause. Sir, I hazard nothing in asserting, that to this day that cause has not been satisfactorily declared. Allow me time to justify this assertion. I will bring together facts and circumstances, and then gentlemen will judge whether my conclusion be erroneous or just.

On the 14th of December 1807, the dispatches brought by the *Revenge*, from our minister in Paris, were delivered to the secretary of state. On her arrival at New York, reports brought by her stated, that the French emperor had declared *that there should be no neutrals*. The sources of information, and the *character* of the *emperor*, rendered those reports worthy of credit; and though after-

wards publicly and stoutly denied, they were believed; and no gentleman here will now be inclined to doubt the fact. These reports, and the mystery which surrounded the recommended embargo, naturally excited suspicions and alarms.

Of the French papers supposed to be brought by the *Revenge*, none were communicated to Congress, save a letter dated September 24, 1807, from General Armstrong to M. Champagny, and his answer of the 7th of October, relative to the Berlin decree, and a letter from Regnier, minister of justice, to Champagny, giving the emperor's interpretation of that decree. These three papers, with a newspaper copy of a proclamation of the king of Great Britain, issued in the same October, were all the papers communicated by the president to congress, as the grounds on which he recommended the embargo. *These papers*, he said "shewed the *great and increasing* dangers with which our vessels, our seamen and merchandise were threatened on the high seas and elsewhere, from the belligerent powers of Europe."

As to the proclamation of the king of Great Britain, requiring the return of his subjects, and particularly the seamen, from foreign countries, it was no more than every government has a right to issue, and commonly does issue, in time of war. This proclamation contained no evidence of *increasing* danger to "our seamen;" on the contrary, if I mistake not (for I have not the proclamation by me) there was a solemn, public injunction to his naval officers to conduct impressments with increased caution and care. So that impressments would probably rather be diminished than increased.

Let us now examine the three other papers, all of which, as I have noticed, and as gentlemen remember, related to the decree of November 21, 1806. This decree was issued at Berlin, by the French emperor, at the moment when, inflated with more than ordinary arrogance and pride, he was sitting in that capital of the Prussian monarchy, just then subverted by his arms.

The first article declared all the British Isles in a state of blockade. This, according to its terms, subjected to capture and condemnation all neutral vessels bound to and from British ports: but it seems to have been held in a state of suspense. But another article, declaring "all merchandise belonging to England, or coming from its manufactories and colonies (although belonging to neutrals) to be lawful prize," was to be carried into execution. Such was the decision of the emperor, as stated by his minister of justice on the 18th of September, 1807, in his letter to Champagny. This decision coming to the knowledge of general Armstrong, he, on the 24th of September, wrote to Mr. Champagny, and asked "whether it was the emperor's intention to infract the obligations of the treaty subsisting between the United States and the French empire." Mr. Champagny in his answer of the 7th of October, inclosing the letter of the minister of justice, with wonderful assurance, tells general Armstrong, that it was easy to reconcile the execution of the decree with the observance of treaties! although nothing was more obvious, (as Mr. Madison on the 8th of February

last, wrote to general Armstrong) than that it violated as well the positive stipulations of our treaty with France, as the incontestable principles of public law.

In the European ports, under the emperor's controul, and even in neutral ports, the decree was rigorously executed. And although it is said there was no formal decision in the French council of prizes, condemning American property, under the decree, till the 16th of October, 1807; yet Mr. Madison states, as early as the 22d of May, 1807, [in his letter of that date to general Armstrong] that "there were proofs that the French West India privateers had, *under colour of the edict* [the Berlin decree,] committed depredations" on our commerce. And moreover, that Spain "avowedly pursuing the example and the views of the French emperor," had issued a similar decree, and even in broader terms, which, "if not speedily recalled or corrected, would doubtless extend the scene of spoliations *already begun in that quarter.*"

Such were the French papers in this case. And now let us see the amount of "the GREAT and INCREASING dangers which threatened our vessels, our seamen and merchandise."

In the letter of February 8, 1808, from Mr. Madison to general Armstrong, speaking of the Berlin decree, and the emperor's decision thereon, Mr. Madison says, "The conduct of the French government, in giving this extended operation to its decree, and indeed in issuing one with such an apparent or doubtful import, against the rights of the sea, is the more extraordinary, inasmuch as the *inability* to enforce it on that element, exhibited the measure in the light of an "*empty menace!*" And in his letter of the 25th of March, 1808, to Mr. Erskine, Mr. Madison, speaking of the same decree, says, that France was *without the means to carry it into effect against the rights and obligations of a neutral nation.*

Thus then we see the president's "*great and increasing dangers with which our vessels, our seamen and merchandise were threatened on the high seas and elsewhere,*" from the French decree and its extended operation, rested on what he, through his secretary Mr. Madison, has since pronounced "an empty menace," a project "which France had not the means to carry into effect!"

Shall I be told, Mr. president, of the British orders of council? and that *they* were comprehended in the president's view of the great and increasing dangers to which our commerce was exposed? If that were the fact, was it not his duty to give such information of them as he possessed, to the senate? He gave none. I know that those orders were *afterwards* pressed into his service to justify the measure: and still later it has been confidently said "that those orders stood in front of the real causes of the embargo:" And yet they were invisible to the senate. What! the *great*, the *operative* cause of the embargo, "before which all other motives sunk into insignificance," not seen, not known to the senate? Not glanced at by the president in his message, nor intimated to any of the members who were honored with his confidence, and by them to the senate? -

But from reasoning I will recur to written proofs, furnished by the president himself, and now on our tables.

In Mr. Madison's letter to Mr. Pinkney, the president's minister in London, dated December 23, 1807, the next day after the act laying an embargo was passed; and this after it had undergone three days of earnest opposition in the house of representatives....during which it behoved the father of the measure, and his friends, to furnish every possible argument to silence opposition, and to satisfy the nation of its expediency and necessity....after all this, Mr. Madison, in that letter, tells Mr. Pinkney, that "the *policy* and the *causes* of the measure are explained in the message itself." The contents of the message (comprehending the papers it referred to) I have already stated: and the statement demonstrates, that *they were not the causes or motives* of the embargo: for an "empty menace," *a decree without the means of carrying it into effect, could be no cause, no motive* for a measure, whose avowed object was "to save our vessels, our seamen, and merchandise from GREAT AND INCREASING DANGERS."

Sir, let all the documents laid on our tables by the president be examined, and you will not find one in which he hazards the assertion, that the British orders of November 11th were known to him at the time he recommended the embargo, or that an expectation of them determined his recommendation. It was not until the 2d of February, when they had been officially communicated by the British minister, that he offered them to congress "as a farther proof of the increasing dangers to our navigation and commerce, which led to the provident measure of the act laying an embargo." And Mr. Madison, in his letter to Mr. Pinkney, of February 19, 1808, cautiously avoids ascribing the *origin* of the embargo to the British orders; though, he says, the probability of such decrees was among the considerations which "enforced" the measure; the language of the British gazettes, with other indications, having (he said) left little doubt that such orders were "meditated." And he adds, that "the appearance of these decrees (meaning the British orders) had much effect in reconciling all descriptions among us to the embargo."

But I must notice the change of language in Mr. Madison's last letter. In that of December 23d to Mr. Pinkney, he says, "the *policy* and the *causes* of the embargo are explained in the president's message." But in his letter of February 19th, he says, "my last (that of December 23d) inclosed a copy of the act of embargo, and explained the *policy* of the measure;" leaving out "causes," and introducing the *unknown British orders* as among the considerations which *enforced* it.

The president, too, in his answer to the Boston petition for suspending the embargo, says, *not* that the British orders were *known to exist* at the time when the embargo was laid; but only that *they were in existence* at the date of the law; from which the unwary reader might suppose that they were *known to exist* at that date.

From all these considerations, it appears to be demonstrated, that the British orders in council of November 11th, 1807, were

not known, and that the newspaper rumors concerning them never entered into the views of the president and congress, as a motive for laying the embargo. And here the well known maxim applies, *de non apparentibus et non existentibus eadem est lex*. Although the British orders were in existence, yet as they were *not known to exist*, they were, as to the embargo, non-entities.

The conclusions resulting from the facts and circumstances which I have collected and compared, are serious and alarming. They demonstrate, that the representation, in the president's message recommending the embargo, was delusive, calculated to lead congress into the belief that the situation of the United States, in relation to France and England, was extremely perilous, requiring the instant adoption of the measure recommended. And as congress did adopt it, enacting the law recommended, it must be presumed that they believed an embargo was necessary to preserve our vessels, our seamen and merchandise, from *great and increasing dangers*, with which the message stated that they were threatened.

It also follows, as no subsequent disclosure has been made of other dangers known at the time the message was communicated, *that the real cause or motive for the embargo has been, and yet is, veiled from the eye of congress and the nation*.

M. Champagny's letter of October 7, (one of the papers communicated with the president's message) requires examination. But I should first remark, that during the years 1806, and 1807, in order to reduce England, *by destroying her commerce*, the French emperor, in execution of, and in the spirit of his Berlin decree, ordered all English merchandise to be seized and confiscated, in every place on the European continent, enemy or neutral, occupied or which should be occupied by the French armies. For this purpose, and as one instance among many, his troops took possession of the city of Hamburg (a city with which American merchants carried on a large and valuable commerce, and which as *neutral* was entitled to the same exemption from hostile violence as the territory of the United States) and by the emperor's orders, Bourrienne, his accredited minister to that free city, addressed a note to its senate, in which, having stated that every person who traded on the continent in English merchandise, seconded the views of England, and ought to be considered as her accomplice; and that a great portion of the inhabitants of Hamburg were in that predicament, and notoriously attached to England; the emperor caused possession to be taken of their city, and his Berlin decree to be carried into rigorous execution. Accordingly, that minister, in obedience to the emperor's orders, among other outrages, declared, "All English merchandises that may be found in the city, in the harbour, or on the territory of Hamburg, *no matter to whom they belong*, shall be confiscated." This was done so early as the 24th of November, 1806, only three days after the Berlin decree was issued.

With equal atrocity the emperor caused to be seized and sequestered the vessels and cargoes of neutrals which were brought into, or voluntarily resorted to the ports of France for purposes of lawful trade. And *we know* from a source which will not be questioned,

that their liberation was hopeless ; *because they were worth eighteen or twenty millions of dollars.*

Of the vast property thus plundered, a large portion belongs to citizens of the United States. On the 15th of January last, the emperor's minister Champagny, wrote to our minister, general Armstrong, that their property would remain sequestered until a decision should be had thereon ; and this decision depended *on our associating or refusing to associate ourselves with him and his allied states in their war with Great Britain.* Indeed the emperor was willing to save us the trouble of considering and deciding for ourselves : he declared war for us. " War exists then in fact between England and the United States," are the words of Champagny, in the letter just mentioned ! What measures ought to be kept with such a Power ? While we are yet independent, he undertakes to prescribe the line of conduct we shall observe, on pain of confiscation of all the property of our innocent and unsuspecting merchants within his grasp ! And this monstrous outrage upon our honour and independence, the secretary of state, with very exemplary meekness, says, " had the *air*, at least, of an assumed authority !"<sup>\*</sup>

Where !'s armies did not thus penetrate and plunder, the French emperor sent to the several powers on the continent, whether emperors, kings, or petty states, requiring (or which from him was equivalent to a command, *inviting*) them *to shut their ports against the commerce of England*: and, Sweden excepted (between whom and the French armies lay a narrow sea guarded by Swedish and British ships) all obeyed. Even the emperor of Austria, though at peace with England, shut against her his two or three little ports at the head of the Adriatic sea.

The prince regent of Portugal, whose country for more than a century had lived in friendship with England, was the last to obey. But though he shut his ports, national faith and gratitude towards his friends, forbade his arresting Englishmen and English merchandise. By shutting his ports, he hoped to appease the emperor, and save his kingdom. But his fate had been determined : although Portugal had for many years been paying a heavy tribute to France, and been, moreover, anxious to observe the duties of a neutral nation. To save himself and family from disgrace and bondage, the prince quitted his kingdom ; finding an asylum in his American dominions.

Thus we have : the French emperor not only shutting his own ports and those of his allies, but even those of neutral states, against British commerce ; and seizing and confiscating the merchandise proceeding from England and her colonies, although belonging to neutrals, and on neutral territories ; and that this unexampled scene of devastation commenced within four days after the Berlin decree was issued.

It was after she had witnessed all these atrocities, and seen the deadly weapon aimed at her vitals, that England issued her retaliating orders of November 11th, 1807.

<sup>\*</sup> Mr. Madison's letter of May 2d, 1808, to general Armstrong.



I now recur to Mr. Champagny's letter of October 7, to general Armstrong, in answer to his inquiry, "whether (in executing the Berlin decree) it was his majesty's intention to infract the obligations of the treaty now subsisting between the United States and the French empire?" The answer to which has been already recited.

Allow me to repeat, that this letter of Champagny was one of the four papers communicated by the president with his message recommending the embargo, and one of the two which, after being read, was not then suffered to remain on the files of the senate, but was returned to the president, together with general Armstrong's letter to which it was an answer, agreeably to his request. Subsequent events drew it from the cabinet. Gentlemen will also recollect, that the concluding paragraph of the president's message, in which he desired a return of those two letters, was ordered by the senate to be omitted; so that no evidence of the existence of those letters could appear on the senate's journal, or in the printed copy. In this letter of Champagny, the views of the French emperor were but two clearly indicated. To render his degree of blockade "more effectual" (that is in destroying the commerce of England) "its execution must be complete." But as it could not be complete while the vessels of the United States (then with those of England carrying on, almost exclusively, the commerce of the world) continued their extensive trade with England; we were, in language sufficiently intelligible, invited to fall into the imperial ranks, with the maritime powers of Europe, whom the French emperor had marshalled against England, and "to unite in support of the same cause;" that is, to destroy the commerce of England. But the people of the United States would have been shocked at an open proposition to shut their ports against the English commerce, at the command, or invitation of the French emperor; they would not have endured it. The measure could be accomplished only by an EMBARGO, and that wrapped up in the mystery which I have endeavoured to unfold.

This letter of Champagny must have arrived in the *Revenge*; and general Armstrong's dispatches by her, reached Washington, as Mr. Madison informs us, on the 14th of December; and on the 18th the embargo was proposed and recommended! Four days gave little enough time to digest and mature SUCH A PLAN!

These, sir, are my views of the origin of the embargo; the result of a careful, and I trust, an impartial investigation. The material facts are on record. Of my reasonings and conclusions gentlemen will judge. If these be correct, the course to be pursued must be obvious. The *nation's honour* is compatible with the repeal of the embargo. The welfare of our country is not to be sacrificed to the views or feelings of those who have brought it into its present situation.

Let then, the resolution before us be adopted, and the embargo removed. As the British orders in council were not the *cause* of the embargo, the *honour* of the United States is not pledged for their *previous repeal*.

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